

**Exhibit 1 to Affirmation of
William O. Angelley in Opposition to
Abdulrahman Bin Mahfouz's Motion to Dismiss**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC)
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This document relates to:

Ashton v. Al Qaeda Islamic Army, 02-CV-6977 (RCC)

Continental Cas. Co. v. Al Qaeda, 04-CV-5970 (RCC)

Federal Ins. v. Al Qaida, 03-CV-6978 (RCC)

New York Marine & General Ins. Co. v. Al Qaida, 04-CV-6105 (RCC)

**AFFIDAVIT OF JOHN FAWCETT IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
ABDULRAHMAN BIN MAHFOUZ'S MOTION TO DISMISS**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOHN FAWCETT, being duly sworn, deposes and says:

1. For over two years, I have been working under contract for Kreindler & Kreindler LLP as an investigator in the case of *Kathleen Ashton v. al Qaeda Islamic Army et al.*

2. As part of my duties, I have been asked to research Abdulrahman Bin Mahfouz, the Muwafaq Foundation and the National Commercial Bank.

3. On October 12, 2001 the United States Department of the Treasury named 39 people and entities as Specially Designated Global Terrorists. One of the people named was Yasin al Qadi. In an accompanying press release the Treasury Department stated; "Muwafaq is an al-Qaeda front that receives funding from wealthy Saudi businessmen. Blessed Relief is the English translation. Saudi businessmen have been transferring millions of dollars to Bin Laden

through Blessed Relief.” See Attached Document #1, Treasury Press Release of October 12, 2001.

4. On October 12, 2001 National Public Radio reported, “The Treasury Department says that wealthy Saudi businessmen have been transferring millions of dollars to bin Laden through Blessed Relief.” On October 12, 2001 CBS MarketWatch published the complete document. MarketWatch noting the new names to the US government’s list of terror supporters, said, “Here are the additions, with the descriptions supplied by Treasury officials:” On October 13, 2001 the New York Times and the Washington Post quoted from the Treasury document. The Times noted, “A statement accompanying the list. . .” The Post wrote, “‘Muwafaq is an al Qaeda front that receives funding from wealthy Saudi businessmen,’ the Treasury Department said in a statement.” In March 2002, the National Post of Canada called the document “a Treasury background report.” On December 7, 2002 the Boston Herald also quoted from the Treasury document of October 12, 2001. The Herald said, “The Treasury specifically cited al-Qadi’s position as head of the Islamic charity Muwafaq Foundation.” In September, 2003 Senator Dianne Feinstein, at a Senate Judiciary Committee hearing, in referring to the designation of Yasin al Qadi as a terrorist, said, “According to a government statement accompanying the designation, Muwafaq is, quoting, ‘an Al Qaida front that receives funding from wealthy Saudi businessmen.’” In June 2004, at a Senate Governmental Affairs Committee, a former National Security Council Official and Co-Director of the Independent Task Force on Terrorism Financing, just before quoting from the October 12 document, simply said, “According to the Treasury Department.” For all of the above see Attached Document #2, Press Accounts and Excerpts from Senate Hearings.

5. On November 29, 2001 the General Counsel of the US Department of the Treasury wrote to the Deputy General Prosecutor of Switzerland. In his letter, the General Counsel wrote; "... a number of NGOs formerly associated with MK, including Muwafaq, also merged with Al-Qa'ida." This document was submitted in this case as Attachment 2 of the Declaration of Michael Elsner of October 15, 2004. It is also attached here as Document #3, Letter of Aufhauser to Nicati.

6. Abdulrahman Bin Mahfouz was a founder and is an owner of Nimir Petroleum, which had a prescence in the United States from 1991 through at least 2000. See Attached Document #4, Nimir Petroleum Registries, Press Account and Excerpts from Annual Report

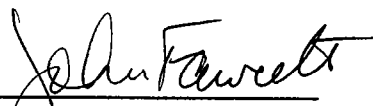
7. Various Nimir Petroleum entities borrowed money from US banks. See Attached Document #5, Nimir UCC Filings.

8. Abulrahman Bin Mahfouz has a Texas driver's license wih an address in Houston, Texas. See Attached Document #6, Record of Driver's License.

9. Abdulrahman Bin Mahfouz invested up to \$30 million in a United States Company. See Attached Document #7, \$30 million investment.

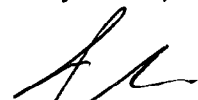
Dated: New York, New York
December 22, 2005

Respectfully submitted,



John Fawcett

Sworn to before me this
22nd day of Dec, 2005



Notary Public

IVETTE ENCARNACION
Notary Public, State of New York
No. 03-4877339
Qualified in Rockland County
Commission Expires November 17, 20 06